

PATENT
Atty. Dkt. EXXON/035X1/DHE**Section 112 Rejections**

Claims 55-66, 73-75 and 85-87 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With regard to claims 55-62 and 66, Applicants have amended claim 55 by reciting that the breathable film has both a WVTR and an elongation in the specified ranges, and believe that the rejection has been obviated. With regard to claims 63, 64, 73-75, Applicants have amended claims 63, 64 and 73-75 by reciting that the basis weight means the weight per unit area of the film, and believe that the rejection has been obviated. With regard to claims 85-87, Applicants have amended claims 85-87 by reciting that at least the first layer is embossed to impose thereon a pattern, and believe that the rejection has been obviated. Withdrawal of the rejection is respectfully requested.

Section 103 Rejections

Claims 51-53, 55, 57-59, 61-65 and 67-84 stand rejected under 35 U.S.C. § 103(a) over Wu et al. (U.S. 5,865,926). Claims 54, 56, 60, 66, 85-87 and 87 stand rejected under 35 U.S.C. § 103(a) over Wu '926 in view of Sheth et al. (U.S. Patent 5,055,338). Claims 51-56, 58-67, 69, 70, 72, 73, 75, 76, 78, 79, 81, 82, 84, 85, 87, 88 and 89 stand rejected under 35 U.S.C. § 103(a) over Sheth '338 in view of Wu '926. Applicants respectfully traverse these rejections on grounds that the cited references, alone or in combination, do not teach, show, or suggest a process that includes passing a precursor film between interdigitating grooved rollers heated to a temperature of from 160°F to 220°F to produce a breathable film.

Wu '926 expressly discloses stretching a laminate between incremental stretch rollers maintained at an "ambient or room temperature" of about 70°F to about 90°F to produce micro porosity and breathability. (Col. 2, lns. 48-54; col. 7, lns. 29-34 and col. 8, lns. 22-26.) Wu '926 discloses breathability is caused by activation of a pore-forming filler in the film caused by mechanical stretching of the film. (Col. 2, lns. 48-54.) But Wu '926 does not provide any suggestion or motivation to stretch the film using heated interdigitating grooved rollers, let alone interdigitating grooved rollers heated to a temperature of from 160°F to 220°F. The Examiner has not provided any basis or support for the assertion that a person of ordinary skill in the art would have been motivated to heat the rollers in Wu '926 to 160°F to 220°F. The prior art does not, for example, teach that that higher temperatures are desirable.

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Indeed, Sheth '338 shows that a person of ordinary skill in the art would have been motivated to not heat the rollers during stretching. Sheth '338 discloses that the WVTR or breathability of the film is inversely related to the stretching temperature. (Col. 6, Ins. 61-64.)

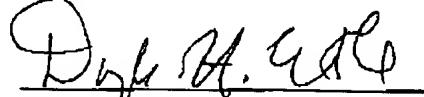
Accordingly, Sheth '338 discloses that a precursor film is cooled and then stretched between two rollers to produce voids and to produce breathability in the film. (Col. 6, Ins. 16-24.) Thus, according to Sheth '338, breathability is improved by lowering the temperature during stretching. Therefore, Sheth '338 teaches away from passing a precursor film between interdigitating grooved rollers heated to a temperature of from 160°F to 220°F to produce a breathable film. As a result, Wu '926 and Sheth '338, alone or in combination, do not teach, show, or suggest a process that includes passing a precursor film between interdigitating grooved rollers heated to a temperature of from 160°F to about 220°F to produce a breathable film. Applicants respectfully submit that the claims are patentable over Wu '926 and Sheth '338 and respectfully request allowance of the claims.

The Examiner states that the Applicants claim embossing temperatures of 160°F to 220°F but discloses embossing temperatures of 50°F to 130°F and embossing temperatures of 160°F to 220°F with no indication that either temperature range is preferred. Embossing and stretching are separate steps. Embossing is discussed, at least in part, in this application at page 10, line 5 to page 11, line 5. Stretching is discussed, at least in part, in this application at page 11, line 31 to page 16, line 16. Applicants have indicated in this application at page 14, lines 3-4 that a stretching temperature of 160°F to 220°F is preferred.

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Accordingly, Applicants respectfully submit that claims 51-89 are patentable, and requests allowance of the claims. If any informal matters need to be addressed, the Examiner is requested to contact the undersigned at 713-623-4844.

Respectfully submitted,



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